

ORDINANCE NO. _____

1 AN ORDINANCE amending Chapter 2.76 of the Lincoln Municipal Code relating
2 to the City's Personnel System by amending Section 2.76.175 to clarify the procedure to be followed
3 when an employee in a pay range prefixed by "A" is temporarily promoted; amending Section
4 2.76.380 to clarify the procedure to be followed when granting family sick leave to an employee in
5 a pay range prefixed by "E" or "M"; and repealing Sections 2.76.175 and 2.76.380 of the Lincoln
6 Municipal Code as hitherto existing.

7 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

8 Section 1. That Section 2.76.175 of the Lincoln Municipal Code be amended to read
9 as follows:

10 **2.76.175 Compensation Plan; Promotion, Transfer, Demotion, or Temporary Promotion.**

11 (a) In the case of promotion for an employee with a pay range prefixed by "N" or "X",
12 the rate of the promoted employee shall be increased to that step in the higher range next above his
13 rate of pay prior to promotion. In the case of promotion for an employee with a pay range prefixed
14 by "E" or "M", such increase is intended to be at least five percent. In the case of transfer, the em-
15 ployee's rate will remain unchanged at the time of transfer. In the case of an involuntary demotion
16 for an employee with a pay range prefixed by "E" or "M", the rate of pay shall be reduced at least
17 four and one-half percent. Under no circumstances shall the new rate exceed the maximum rate for
18 the lower class in the variable merit pay plan.

19 In the case of a voluntary demotion for an employee with a pay range prefixed by "E" or
20 "M", the employee concerned shall normally be paid at the same rate in the lower pay range. If the

1 employee's rate of pay exceeds the maximum rate of the lower pay range, the employee's rate of pay
2 shall be frozen (red-circled) until such time that the maximum rate, through general increases, makes
3 sufficient upward movement so that it exceeds the employee's rate of pay. When the maximum rate
4 meets or exceeds the employee's frozen (red-circled) rate through general increases, the employee's
5 frozen rate of pay shall then increase to the maximum rate. However, if after one year the maximum
6 rate does not meet or exceed the employee's frozen (red-circled) rate of pay, the employee's rate of
7 pay will be reduced four and one-half percent (4.5%) or to the maximum rate, whichever results in
8 the smallest decrease in pay. Each year thereafter, the employee's rate of pay shall be reduced an
9 additional four and one-half percent (4.5%) or to the maximum rate, whichever results in the
10 smallest decrease in pay.

11 In the case of demotion for an employee with a pay range prefixed by "N" or "X", the rate
12 of the demoted employee shall be reduced to the next lower step for the lower class and under no
13 circumstances shall the new rate exceed the maximum rate for the lower class in the merit pay plan.

14 (b) A promotion of any employee during such employee's probationary period shall have
15 the effect of ending the probationary period for that employee and making such employee a regular
16 employee. However, a reclassification of a probationary employee to a position in a newly created
17 class with a higher pay range will not terminate the probationary period.

18 (c) Any regular employee with a pay range prefixed by "A", "M" or "P" may be
19 temporarily promoted to fill a budgeted position which is temporarily vacant and has a higher
20 maximum salary than provided by such employee's current pay range. Such temporary promotion
21 must first be approved in writing by the director only after the department head demonstrates that
22 the employee is qualified for the vacant position. Once granted, the employee must actually perform

1 the duties of the vacant position and shall be paid at the rate of at least five percent above the
2 employee's current base salary, or at the minimum rate of the established range of the vacant
3 position, whichever is greater, but any increase in pay greater than five percent must be approved
4 in writing by the Director. No temporary promotion shall be granted for less than forty hours or
5 continue longer than one year from the date of the original assignment and approval by the Director.

6 (d) Any regular employee, with a pay range prefixed by "A" may be temporarily
7 promoted to fill a budgeted position which is temporarily vacant and has a higher maximum salary
8 than provided by such employee's current pay range. Such temporary promotion must first be
9 approved in writing by the director only after the department head demonstrates that the employee
10 is qualified for the vacant position. Once granted, the employee must actually perform the duties
11 of the vacant position and shall be paid at the rate of at least the next higher step above the
12 employee's current rate of pay which results in at least a 3.25% increase, or at the minimum rate of
13 the established range of the vacant position, whichever is greater, but any increase in pay greater
14 than two steps must be approved in writing by the Director. No temporary promotion shall be
15 granted for less than forty hours or continue longer than one year from the date of the original
16 assignment unless specifically authorized by the Personnel Director for a longer period of time.

17 Section 2. That Section 2.76.380 of the Lincoln Municipal Code be amended to read
18 as follows:

19 **2.76.380 Sick Leave with Pay.**

20 Subsections (a) through ~~(f)~~ (g) shall apply to employees not represented by a bargaining unit.

21 (a) Amount. Sick leave shall be earned by each employee at the factored hourly equiva-
22 lent of eight hours for each full month of service or twelve hours for each full month of service for

1 an employee with a pay range prefixed by "M" who works a fifty-six hour work week. Earnings
2 shall be computed only for those hours when an eligible employee is in a pay status, excluding
3 overtime.

4 (b) When taken. Sick leave will be paid only when an employee is unable to perform
5 work duties due to actual personal illness, noncompensable bodily injury, pregnancy, or disease,
6 exposure to contagious disease under circumstances in which the health of other employees or the
7 public would be endangered by attendance on duty, or to keep a medical or dental appointment and
8 for no other reason. A sick leave pay account will be established and funds appropriated for that
9 reason only. Sick leave with pay is intended to be paid on account of sickness rather than a
10 continuation of salary.

11 Sick leave must be earned before it can be granted, and advancing sick leave is prohibited.
12 An employee may utilize no more than his accrued balance of sick leave. When an employee finds
13 it necessary to be absent for any of the reasons specified herein, the employee shall cause the facts
14 to be reported to his department head in accordance with departmental rules and regulations.

15 Sick leave shall be earned, but not be granted, during the probationary period occurring after
16 original appointment. An employee must keep his department head informed of his condition. This
17 shall be on a daily basis unless waived by the department head or designated representative. An em-
18 ployee may be required by the Personnel Director to submit a medical certificate for any absence.
19 Failure to fulfill these requirements may result in denial of sick leave. No refund of vacation time
20 shall be allowed due to illness incurred while on vacation leave. Sick leave shall not accrue during
21 any period of leave of absence without pay.

22 (c) Accumulated sick leave. The accumulation of unused sick leave is unlimited.

1 (d) Unused sick leave. Upon retirement, death or reduction in force, an employee with
2 a pay range prefixed by “E” or “M”, or the employee’s beneficiary, shall be paid one-half of his
3 accumulated sick leave. The rate of payment shall be based upon the employee’s regular hourly rate
4 of pay at the time the employee retires, is laid off, or at the time of the employee’s death.

5 Upon retirement, death or reduction in force, an employee with a pay range prefixed
6 by “N” or “X”, or the employee’s beneficiary, shall be paid one-fourth of his accumulated sick
7 leave. The rate of payment shall be based upon the employee’s regular hourly rate of pay at the time
8 the employee retires, is laid off, or at the time of the employee’s death.

9 Upon retirement, death or reduction in force, an employee with a pay range prefixed
10 by “A” or “C”, or the employee’s beneficiary, shall be paid one-half of his accumulated sick leave.
11 The rate of payment shall be based upon the employee’s regular hourly rate of pay at the time the
12 employee retires, is laid off, or at the time of the employee’s death.

13 (e) An employee with a pay range prefixed by ~~“E”, “M”~~, “A”, or “C” may be granted
14 time off for a maximum of sixty hours in each calendar year for illness in the employee’s immediate
15 family. Immediate family will also include any other family member, whether it be by blood,
16 marriage, legal adoption, or foster children, residing in the household. Family sick leave may also
17 be granted to an employee who has been appointed by a court of competent jurisdiction as legal
18 guardian of any person, with proper documentation. Such time off will be deducted from the
19 employee’s accumulated sick leave. Upon written request from an employee in the above-
20 referenced pay ranges, the Personnel Director may waive the ~~forty or sixty~~ hour limit after reviewing
21 the individual circumstances in support of the request.

1 (f) An employee with a pay range prefixed by “N” or “X” may be granted time off for
2 a maximum of forty hours in each calendar year for illness in the employee’s immediate family. For
3 purposes of this subsection (f), the term immediate family shall include the employee’s mother,
4 father, sister, brother, husband, wife, child, foster child, mother-in-law, father-in-law, daughter-in-
5 law, son-in-law, stepmother, stepfather, stepchild, stepgrandchild, grandparent, grandchild, and the
6 grandparent of the employee’s spouse, or any other relative residing in the household. Family sick
7 leave may also be granted to an employee who has been appointed by a court of competent
8 jurisdiction as legal guardian of any person, with proper documentation. Such time off will be
9 deducted from the employee’s accumulated sick leave. Upon written request from an employee in
10 the above-referenced pay ranges, the Personnel Director may waive the forty hour limit after
11 reviewing the individual circumstances in support of the request.

12 (g) An employee with a pay range prefixed by “E” or “M” may be granted time off for
13 a maximum of sixty hours in each calendar year for illness in the employee’s immediate family. For
14 purposes of this subsection (g), the term immediate family shall include the employee’s mother,
15 father, sister, brother, husband, wife, child, foster child, mother-in-law, father-in-law,
16 daughter-in-law, son-in-law, stepmother, stepfather, stepchild, stepgrandchild, grandparent,
17 grandchild, and the grandparent of the employee’s spouse. Immediate family will also include any
18 other family member, whether it be by blood, marriage, legal adoption, or foster children, residing
19 in the household. Family sick leave may also be granted to an employee who has been appointed
20 by a court of competent jurisdiction as legal guardian of any person, with proper documentation.
21 Such time off will be deducted from the employee’s accumulated sick leave. Upon written request

1 from an employee in the above-referenced pay ranges, the Personnel Director may waive the sixty
2 hour limit after reviewing the individual circumstances in support of the request.

3 Section 3. That Sections 2.76.175 and 2.76.380 of the Lincoln Municipal Code as
4 hitherto existing be and the same are hereby repealed.

5 Section 4. That this ordinance shall take effect and be in force from and after its
6 passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2005:

Mayor